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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,899	01/08/2002	Joe Freeman Britt JR.	04676.P020	5830
<div>7590 11/06/2007</div> <div>Thomas C. Webster BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026</div>				
			<div>EXAMINER</div> <div>TARAE, CATHERINE MICHELLE</div>	
			<div>ART UNIT</div> <div>3623</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>11/06/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/042,899

Applicant(s)

BRITT ET AL.

Examiner

C. Michelle Tarae

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a Non-Final Office Action in response to the Election received on August 23, 2007.

Claims 1, 4, 7 and 9 have been amended. Claims 10-15 have been previously cancelled and claims 16-20 previously withdrawn from further consideration.

Accordingly, claims 1-9 are rejected below.

Response to Amendments

2. Applicant's amendments to claims 1, 4, 7 and 9 are acknowledged. Applicant's amendments are sufficient to overcome the claim objections set forth in the previous office action. Therefore, the claim objections to claims 1 and 4 are withdrawn.

Response to Arguments

3. Applicant's arguments have been fully considered, and are found persuasive. Therefore, Examiner has applied a new rejection, which is provided below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendrickson et al. (U.S. 6,754,470).

As per claim 1, Hendrickson et al. discloses a method comprising:

sending a request for a return signal into a wireless network to a plurality of users of said wireless network having data processing devices (col. 7, lines 29-33, 53-57 and 64-67; col. 8, lines 12-15; A wireless network monitors wireless activity from (therefore, requests and receives signals from) devices of wireless users.);

receiving from said wireless network respective return signals from each of said plurality of users, each of said return signals containing information describing its respective user (col. 8, lines 12-30; User data is received via the wireless network.);

receiving from said wireless network an inquiry generated by a first user of said wireless network, said inquiry having predetermined responses associated therewith, and receiving from said wireless network an attribute provided by said first user as a criteria for identifying recipients of said inquiry (col. 11, lines 36-40; col. 15, lines 8-16; col. 16, lines 15-16; A questionnaire may be invoked to prompt responses from wireless

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users. Also, emails may be exchanged among wireless panel members. It is known in the art that an email may be generated by one user and distributed to multiple users.);

automatically selecting a group of users from said plurality of users, each user of said group of users having said attribute, said selecting including analyzing said respective information of each of said plurality of users, said attribute being identifiable from said respective information of each of said selected group of users and forwarding said inquiry into said wireless network to said group of users (col. 7, lines 12-24; col. 15, lines 8-16);

receiving from said wireless network responses from one or more users in said group of users and forwarding said responses into said network to said first user (col. 15, lines 8-16; col. 16, lines 15-16; Emails may be exchanged among wireless panel members. It is known in the art that an email may be generated by an initial user, distributed to multiple users, whose responses are then sent back to the initial user.).

As per claim 2, Hendrickson et al. discloses the method as in claim 1 wherein said attribute is a specific geographical location (col. 11, lines 45-53).

As per claim 3, Hendrickson et al. discloses the method as in claim 1 wherein said attribute is a specific distance from said first user (col. 7, lines 1-11).

As per claim 4, Hendrickson et al. discloses the method as in claim 1 wherein said attribute includes a specific age (col. 11, lines 34-44).

As per claim 5, Hendrickson et al. discloses the method as in claim 1 wherein said attribute is a specific occupation (col. 11, lines 34-44).

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As per claim 6, Hendrickson et al. discloses the method as in claim 1 wherein said attribute is a specific sex (col. 11, lines 34-44).

As per claim 7, Hendrickson et al. discloses the method as in claim 1 wherein said information includes a home address of its respective user (col. 11, lines 34-44).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. 6,754,470), as applied above, and De Vries (U.S. 6,968,179).

As per claim 8, Hendrickson et al. does not expressly disclose receiving from said wireless network a signal from said first user, said signal identifying users of said wireless network who are on said first user's buddy list; adding to said respective information of each of those of said plurality of users who are on said first user's buddy list that he/she has been included in said first user's buddy list.

De Vries discloses receiving from said wireless network a signal from said first user, said signal identifying users of said wireless network who are on said first user's buddy list (col. 5, line 67-col. 6, line 3);

adding to said respective information of each of those of said plurality of users who are on said first user's buddy list that he/she has been included in said first user's buddy list (col. 7, lines 33-43; Users may be grouped/added into different buddy lists based on different attributes.).

Hendrickson et al. and De Vries are analogous in that each facilitates communication via a wireless network and tracks certain wireless activities of users. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Hendrickson et al. to add users to a user's buddy list because doing so enables users to communicate with and track certain wireless activities of a specifically defined group of users they're interested in, thereby enhancing the wireless activities tracking features of the system.

As per claim 9, Hendrickson et al. does not expressly disclose receiving from said wireless network a signal from said first user, said signal identifying users of said wireless network who are listed in said first user's address book; adding to said respective information of each of those of said plurality of users who are listed in said first user's address book that he/she has been included in said first user's address book.

De Vries discloses receiving from said wireless network a signal from said first user, said signal identifying users of said wireless network who are listed in said first user's address book (col. 5, line 67-col. 6, line 3);

adding to said respective information of each of those of said plurality of users who are listed in said first user's address book that he/she has been included in said

first user's address book (col. 7, lines 33-43; Users may be grouped/added into different buddy lists based on different attributes.).

Hendrickson et al. and De Vries are analogous in that each facilitates communication via a wireless network and tracks certain wireless activities of users. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Hendrickson et al. to add users to a user's address book because doing so enables users to communicate with and track certain wireless activities of a specifically defined group of users they're interested in, thereby enhancing the wireless activities tracking features of the system.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "C. Michelle Tarae". The signature is fluid and cursive, with the first name "C." and last name "Tarae" clearly legible.

C. MICHELLE TARAE
PRIMARY EXAMINER

October 29, 2007